

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

PAUL D. WOOD,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,**

Defendant.

Case No. CIV-07-061-SPS

**OPINION AND ORDER REMANDING CASE
FOR FURTHER ADMINISTRATIVE PROCEEDINGS**

The Plaintiff sought disability benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401- 434, and supplemental security benefits under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1394. The Commissioner denied benefits and the Plaintiff appealed pursuant to 42 U.S.C. § 405(g), alleging that the Administrative Law Judge (the “ALJ”) erred in determining at step one of the sequential evaluation that the Plaintiff’s self-employment earnings amounted to substantial gainful activity. The Commissioner concedes that the ALJ erred and has filed an Unopposed Motion to Reverse and Remand [Docket No. 19] to permit proper administrative consideration of the issue. The Plaintiff does not object. The Court finds that the Commissioner’s decision is not supported by substantial evidence and should therefore be reversed

Accordingly, the Commissioner's Unopposed Motion to Reverse and Remand [Docket No. 19] is hereby **GRANTED**. The decision of the Commissioner is hereby **REVERSED** and the case **REMANDED** to the ALJ for further administrative proceedings (as outlined in the Commissioner's motion) pursuant to the fourth sentence of 42 U.S.C. §405(g).

IT IS SO ORDERED this 10th day of September, 2007.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE